**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1298 OF 2007

Airports Authority of India .. Petitioner.
Vs.
Indian Airport Employees' Union and Anr. .. Respondents.

Mr.Shamrao Patil with Mr.Avinash Patil for the petitioner.
Mr.Anand Grover i/b Ms.Monica Sakhrani for the respondents.

**CORAM : D.B.BHOSALE, J.**
**DATED : 30TH JULY, 2007.**

**P.C.:**

. Heard learned counsel for the parties.

2. This writ petition is directed against an order dated 29.5.2007 passed by the tribunal on an application filed by the respondent-union seeking interim relief under section 10(4) of the Industrial Disputes Act, 1947 pending hearing and disposal of the Reference before the Tribunal. By this order the petitioners are directed to pay to the workmen the wages equal to basic pay plus D.A. paid to the lowest category of regular workmen employed by the company with effect from 1st June, 2007 and disposed of the application accordingly.

3. Mr.Anand Grover, learned counsel for the respondent-union at the outset, on instructions, submitted that the union and the concerned workmen will be satisfied even if the petitioners are

directed to deposit a difference between the wages, they are being paid as of today, and the wages that they would be entitled to be paid pursuant to the order impugned in the present writ petition within time frame and if the directions are given to the Industrial Tribunal to dispose of the reference expeditiously.

4. Mr.Patil, learned counsel for the petitioners submitted that out of 41 workmen, 3 have died pending these proceedings. He further submitted that out of remaining 38 workmen, 29 workmen are no more working with the petitioners. Mr.Grover, learned counsel for the respondent-union raised a serious dispute about the statement made by Mr.Patil regarding 29 workmen.

5. Having considered the submissions of the learned counsel for the parties and the questions raised in the present writ petition, I do not intend to enter into the controversy as to whether 29 workmen have been removed or not in this petition and it could be left to the Industrial Tribunal to entertain all the contentions raised by both the sides in the instant petition. Considering the nature of controversy and the interim order passed by the tribunal pending reference for final disposal I am satisfied that the following order shall meet the

ends of justice:

(i) The petitioners shall deposit the difference between the wages, the workmen are being paid as of today and the wages, they would be entitled to be paid pursuant to the order impugned within a period of six weeks from today in the Tribunal. The petitioner shall continue to deposit the difference, as aforementioned, every month till the disposal of the reference. On such deposit being made the tribunal shall pass appropriate order/s to invest the said monies in fixed deposit.

(ii) I make it clear that I have not examined the contention as to whether 29 workers have been removed or not. All contentions raised in the writ petition and the reply affidavit are allowed to be raised before the tribunal. The tribunal will deal with the reference on merits and in accordance with law.

(iii) The Industrial Tribunal shall decide the reference without being influenced by the observations made in the impugned order and dispose of the same as expeditiously as possible and in any case within a period of six months from the date of receipt of this order. All contentions are kept open.

. With these observations the writ petition is disposed of.

**(D.B.BHOSALE, J.)**